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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,921	10/30/2003	Louis Leclerc	200314548-1	8233
22879 7590 05/15/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER PROCTOR, JASON SCOTT	
			ART UNIT 2123	PAPER NUMBER
			MAIL DATE 05/15/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/696,921	Applicant(s) LECLERC, LOUIS	
	Examiner Jason Proctor	Art Unit 2123	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10, 12-26 and 28-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10, 12-26 and 28-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-10 and 12-33 were rejected in the Office Action of 30 January 2007.

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 28 March 2007 has been entered.

The 28 March 2007 submission has amended claims 1-3, 5-7, 10, 12, 14-16, 19-21, 23-26, and 29-31; and canceled claim 27. Claims 1-10, 12-26, and 28-33 are pending.

Claims 1-10, 12-26, and 28-33 are rejected.

Applicants are notified that there is a new Examiner of record for this application.

Response to Arguments – 35 USC §§ 102 and 103

1. In response to the previous rejections under 35 U.S.C. § 102 regarding US Patent No. 5,088,033 to Binkley et al. as anticipatory, and 35 U.S.C. § 103 relying upon the Binkley reference, Applicants argue primarily that:

Binkley does not teach, suggest, or illustrate a system in which information about the visual display characteristics of a plurality of devices are provided in a user-selectable manner. At best, the Binkley reference discloses a host CPU adapted for emulating devices such as, input/output (I/O) devices, floppy disk drives, keyboard, printers, and so forth. See Binkley col. 8, lines 60-64.

The Examiner has fully considered this argument and finds it persuasive. The previous rejections under 35 U.S.C. §§ 102 and 103 are withdrawn.

Drawings

2. The drawings are objected to because FIG. 1, reference 28, is described as “non-volatile memory 28” at page 7 of the specification, but is labeled “system clock” in FIG. 1. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

35 U.S.C. § 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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3. Claims 19-25 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter.

Claims 19-25 define a “system” comprising “a plurality of device information files” and “means for providing an on-screen display”. In light of the specification, these components are broad enough to encompass computer data (“files”) and disembodied computer software (“means for providing [a] display”). These claims therefore encompass functional descriptive material (“means for”) and nonfunctional descriptive material (“files”) absent any tangible embodiment. These claims are nonstatutory. Additional explanation is found in MPEP 2106.01.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-10, 12-26, and 28-33 rejected under 35 U.S.C. 102(e) as being anticipated by US Patent No. 6,901,397 to Moldenhauer et al. (hereafter referred to as Moldenhauer).

Regarding claim 1, Moldenhauer discloses:

A system comprising a plurality of device information files that each contain emulation information about a different device [*“The present invention is a web-based application that assists customer service and sales representatives when dealing with customers by phone... It includes detailed information regarding each type of DSS receiver.”* (column 2, lines 9-24)]; and

An emulator that is adapted to read a selected one of the plurality of device information files and provide an on-screen display (“OSD”) emulation having characteristics of a visual display associated with the device based on the emulation information contained in the selected one of the plurality of device information files [*“When the rep selects a model of DSS receiver on the tool’s graphical user interface (GUI), he can rotate it to see the wiring ports on the back of the specific model. If a remote control is being discussed with a customer, the rep can click on any button on the representation of the remote and a dialog box will appear with predetermined text for the rep to use in discussing the problem with the customer. The image of a specific piece of equipment is active; i.e. if an actual DSS receiver has a red light that can blink, so does the display viewed by the rep.”* (column 2, lines 25-50)].

Regarding claim 2, Moldenhauer discloses that the emulation information comprises information relating to a set-up procedure of the device [*“It provides a chart of various installation options including a standard TV and VCR hook-up 820. If the user wants more information on any option, each option is linked to a graphical page, FIG. 8c, that shows the connection panels for the various components.”* (column 7, lines 40-47)].

Regarding claim 3, Moldenhauer discloses that the emulator is adapted to present the emulation in a manner that approximates information that would be presented by the device during a set-up procedure of the device [*“In one embodiment, the illustrations of the receiver and remote control are active. In other words, if the user selects a button on the remote control with a pointing device, then a dialog box can appear with additional information about the*

function of that particular button. Additionally, if the remote control activates a function or a light on the receiver, that light will appear on the displayed receiver when selected on the displayed remote.” (page 8, lines 7-16)].

Regarding claim 4, Moldenhauer discloses that the emulation information comprises mouseover information about at least one option [*“In other words, if the user selects a button on the remote control with a pointing device, then a dialog box can appear with additional information about the function of that particular button.” (column 8, lines 10-16)]*].

Applicants’ specification states, “Those of ordinary skill in the art will readily appreciate that the illustration of providing mouseover information is exemplary and not given by way of limitation. The use of other methods to provide relevant information to the call center employee may be a matter of design choice. Such other methods may include employing a touch screen, scroll data, or the like.” (pages 11-12) The disclosure of Moldenhauer is therefore interpreted as at least equivalent to the claim language, especially in light of the disclosure.

Regarding claims 5-7, Moldenhauer discloses that the device comprises a computer display device, a computer system, and a consumer electronics device [*“direct satellite service (DSS) receivers” (column 2, lines 10-24)]*].

Regarding claim 8, Moldenhauer discloses that the emulator is available via a network [*“web-based application” (column 2, lines 10-12)]*].

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Regarding claim 9, Moldenhauer discloses that the emulator is available via a local CD-ROM driver [“*CD-ROMs*” (column 8, lines 17-28)].

Claims 10 and 12-18 recite a method employed by the system of claims 1-9. Claims 19-25 recite a system corresponding to claims 1-9. Claims 26 and 28-33 recite a machine-readable medium comprising code corresponding to the system of claims 1-9. Moldenhauer discloses a computer system and method (FIG. 1, etc.). Claims 10, 12-18, 19-25, 26, and 28-33 are rejected for similar rationale to that shown above for claims 1-9.

Conclusion

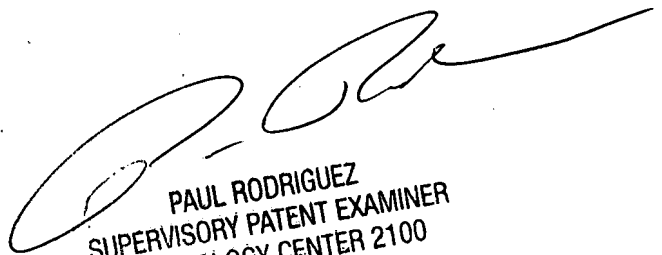
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Proctor whose telephone number is (571) 272-3713. The examiner can normally be reached on 8:30 am-4:30 pm M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Rodriguez can be reached at (571) 272-3753. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jason Proctor
Examiner
Art Unit 2123

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